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8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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1	In the Matter of the Accusation Against:	Case No. 2013-251
12	BENJAMIN VAN STAAVEREN, AKA BENJAMIN J. VAN STAAVEREN, AKA	
13	BENJAMIN JUSTIN VAN STAAVEREN 1463 Vasco Street	ACCUSATION
4	Manteca, CA 95337	
15	Registered Nurse License No. 570896	
16	Respondent.	
.7	Complainant alleges:	
.8	<u>PARTIES</u>	
9	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
21	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),	
22	Department of Consumer Affairs.	
23	Registered Nurse License	
24	2. On or about August 24, 2000, the Board issued Registered Nurse License Number	
25	570896 to Benjamin Van Staaveren, also known as Benjamin J. Van Staaveren, and also known	
26	as Benjamin Justin Van Staaveren ("Respondent"). The registered nurse license was in full force	
.0 !7	and effect at all times relevant to the charges brought herein and will expire on June 30, 2014,	
28	unless renewed.	
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STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISION

6. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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BACKGROUND INFORMATION

8. On or about March 25, 2011, at approximately 0019 hours, C.C. was arrested for public intoxication and was taken to a local hospital where he was cleared by a doctor. At approximately 0415, C.C. was transported to the San Joaquin County Jail. C.C. was brought into the booking area of the jail by two officers. Officers tried to rouse C.C., who appeared to be flaccid and unconscious. C.C. remained motionless on the floor, still in handcuffs. Respondent pulled on C.C.'s shirt to roll him onto his back and for approximately 4 minutes, Respondent slaped C.C.'s face, twisted his nipples, kicked him multiple times in the ribs, and stood on C.C.'s arm using the full weight of his right foot, while lifting his left foot off the floor. At no time during this time frame did Respondent attempt to obtain C.C.'s vital signs. C.C. was returned to a recovery area and no vitals were taken for another 30 minutes.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

- 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that while on duty as a registered nurse at San Joaquin County Jail, French Camp, California, and caring for C.C., an unresponsive detainee, Respondent committed repeated acts constituting gross negligence, as defined in California Code of Regulations, title 16, section 1442, as follows:
- a. Respondent failed to perform timely vitals, a proper eye exam with pupil response, a standard neurologic examination, or determine the level of consciousness as evidenced by standard accepted techniques such as a sterna rub or hand drop test.
- b. Respondent failed to proceed with summoning emergency services for C.C., who was unconscious, by failing to contact his supervisor or call 911 to have C.C. returned to the hospital.
- c. Respondent exhibited cruel and aggressive behavior by slapping C.C.'s face, kicking his ribs, and standing on C.C.'s arm.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 8 and 9, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 570896, issued to Benjamin J. Van Staaveren, also known as Benjamin J. Van Staaveren, and also known as Benjamin Justin Van Staaveren;
- 2. Ordering Benjamin J. Van Staaveren, also known as Benjamin J. Van Staaveren, and also known as Benjamin Justin Van Staaveren to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California

Complainant